

Please return this card, indicating receipt date and Serial No., if applicable, of the following

Petition Under 37 CFR 1.182

Applicant(s): Daniel A. Gately

Title: Silylated and N_Silylated Compound Synthesi

Serial No.: 09/016,541

Filing Date: 1/30/98



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
DANIEL A GATELY : Art Unit 1621
Serial No. 09/016,641 : Examiner: J.
Filed January 30, 1998 : Vollano
FOR: SILYLATED AND N-SILYLATED :
COMPOUND SYNTHESIS :
:

PETITION UNDER 37 C.F.R. §1.182

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

Pursuant to 37 C.F.R. §1.182, applicant petitions the Commissioner to order that the petition and renewed petitions which have been pending in this application since May 1, 2000, i.e., for more than two years, be forthwith decided.

GROUND IN SUPPORT OF PETITION

A petition decision pertaining to a restriction requirement matter was mailed on January 10, 2000. A "Renewed Petition Under 37 C.F.R. §1.144" was filed on March 10, 2000. On May 1, 2000, a "Supplement to 'Renewed Petition Under 37 C.F.R. §1.144' Filed March 10, 2000" was filed. On May 19, 2000, a "Petition Under 37 C.F.R. §§1.144, 1.181(a)(1) and (3) and 1.182" was filed. All of these Petitions remain unanswered.

These petitions are the last in a series of different petitions seeking an authoritative order from the Patent and

Trademark Office regarding the validity of the so-called "restriction within a claim" practice. There is no apparent reason why this question of law could not have been decided promptly, and the prosecution of this application and other applications subjected to similar restriction requirements could not have proceeded.

During the pendency of the aforementioned petitions, Appellant's Brief was filed on August 28, 2000. The Board has not acted on the brief, apparently because of the pendency of the petitions.

ARGUMENT

37 C.F.R. §1.182 is addressed to petitions for questions "not specifically provided for". The matter which is "not specifically provided for" in this application is that a prior petition under 37 C.F.R. §1.182 has been pending for more than two years. The Appeal Brief was filed on August 28, 2000.

Applicant is entitled to a ruling on his petitions. A significant portion of the 17-year life of any patent which may be granted on this application may have been forfeited by the delay in disposing of the petitions. The art to which this application relates is active and forward-moving. Applicant has

been seriously prejudiced and will continue to be prejudiced if this petition is not forthwith ruled upon.

It has been brought to the attention of counsel that the "restriction within a claim" practice is an expedient in frequent use, not only by the group responsible for this application, but also in other groups responsible for applications relating to chemical technology.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The petition fee should be charged to Deposit Account 09-0948. A duplicate is attached.



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Dated: June 14, 2002